



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
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To: Chair Waters, Vice Chair Oshiro, and Members of House Committee on Judiciary

Re: HB 2686 – “Relating to Administrative Procedure”

Hearing Date and Time: February 12, 2008 at 2:05 p.m., in Conference Room 325

Aloha:

My name is Lynne Woods and I offer testimony as Chairperson of the Small Business Regulatory Review Board on behalf of the board members on House Bill 2686. This bill amends the administrative rule procedure for the adoption, amendment, or repeal of rules to conform to Federal law.

The Review Board supports the intent of this bill but believes that some of the added bill provisions are open to interpretation. In addition, at this point in time, the Review Board has been unable to confirm or understand if this bill is an equalization to the Federal level or if it surpasses Federal regulations. If it surpasses the Federal level, the concern of the Board members is that it will significantly stall the rule-making process or even bring the process to a halt.

On behalf of the members of the Small Business Regulatory Review Board, I thank you for the opportunity to testify on this bill.

Yours truly,

Lynne Woods
Chairperson
Small Business Regulatory Review Board

February 12, 2008
Attachment – 5 copies to this original

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The Twenty-Third Legislature
Regular Session of 2008

HOUSE OF REPRESENTATIVES
Committee on Judiciary
Rep. Tommy Waters, Chair
Rep. Blake K. Oshiro, Vice Chair

State Capitol, Conference Room 325
Tuesday, February 12, 2008; 2:05 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2686
RELATING TO ADMINISTRATIVE PROCEDURE**

The ILWU Local 142 supports H.B. 2686, which amends the procedure for the adoption, amendment, or repeal of rules to conform to federal law.

State agencies are authorized by the Legislature to adopt rules to implement laws. This authority does not extend to establishing new policy, but simply to clarify the laws as enacted. Legislative intent must be preserved.

In most cases, agencies do not overstep that authority. However, to ensure that the rulemaking process seeks and considers input from appropriate state and federal agencies as well as the general public, H.B. 2686 clarifies that the Hawaii administrative procedure law must conform with federal law in regard to public participation in the rulemaking process.

The ILWU urges passage of H.B. 2686. Thank you for the opportunity to provide testimony on this matter.

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JUDtestimony

From: Amoreena Rabago on behalf of Rep. Blake Oshiro
Sent: Monday, February 11, 2008 9:31 AM
To: JUDtestimony
Subject: FW: Testimony Supporting HB 2686

Amoreena "Reena" Rabago
Office Manager
Representative Blake K. Oshiro
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From: larrymeacham@aol.com [mailto:larrymeacham@aol.com]
Sent: Sunday, February 10, 2008 1:13 PM
To: Rep. Blake Oshiro; Rep. Marcus Oshiro
Subject: Testimony Supporting HB 2686

House Judiciary Committee Tuesday, February 12, 2008, 205 PM, Rm 325.

Written Testimony to the House Judiciary Committee Supporting HB 2686.

Thank you for the opportunity to offer testimony.
My name is Larry Meacham. I am a concerned citizen and former director of
Common Cause Hawaii.

Many policies are decided within government agencies without ever coming to the
Legislature. Therefore, It is important that there is full notice and full opportunity for
public input before the policies are decided.

HB 2686 expands the notice and public input requirements for policy proposals by
mandating that the agencies reach out to individuals, organizations and agencies
which may be affected by the policies.

HB 2686 also requires that the agency making the proposals actually heed the
comments that it receives, instead of the all-too-common road of merely
implementing the policies while ignoring the comments.

HB 2686 also requires that the proponent of the proposal shall have the burden of
proof and should consider the evidence presented regarding the proposal. This
would hopefully reduce the number of ill-considered new policies.

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Therefore, I strongly urge you to pass the bill.
Thank you for the opportunity to offer testimony.

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